D.B. CIVIL SPECIAL APPEAL (W) NO.915/2007
Madan Lal & Anr.
Vs.
A.D.J., (F.T.), No.3, Jodhpur & Ors.

22.10.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. Ashok Chhangani, for the appellants.

Having heard learned counsel for the appellants, we are satisfied that the learned Single Judge has rightly not interfered at this stage of considering the temporary injunction application which is pending final disposal before the Court for 12-14 years, in the order refusing to allow the cross-examination on affidavit.

Keeping in view that the proceedings for grant of temporary injunction is summary in nature and not in the nature of final determination and which are ordinarily decided on affidavit, no interference is called for in writ jurisdiction.

We are in agreement with the learned Single Judge as the out-come of temporary injunction application is not going to affect the finality of the suit itself and it is a need of

hour that the temporary injunction application cannot be allowed to linger on any further and decided on existing material as early as possible as directed by the learned Single Judge.

The appeal is dismissed in limini.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

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